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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,484	03/15/2004	David Corven	P706785US1	9300

24938 7590 05/11/2005

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EXAMINER

KO, TONY

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,484

Applicant(s)

DAVID COVERN; GRIGORY YEZERSKY; GERALD C

Examiner

Tony Ko

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/15/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5 - 7, 9, 11 - 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maida, JR. (U.S. 20040113104 A1).

3. Regarding claims 1, 3, 5 - 7, 9, 11 - 14, Maida JR. discloses (Figs. 2 and 4) an optical sensor for detecting a level of a liquid in a reservoir, said optical sensor comprising: a display (Paragraph [27]); a light pipe (193) optically connected to said display and extending to a level of interest in said reservoir, and a light optically connected to said light pipe (Paragraph 21, the pipe is made of fiber, a product of plastic). Maida JR. also discloses the said light is a light emitting diode (Paragraph [32]). Maida JR. does not disclose the pipe is formed from a material having a refractive index higher than air's refractive index and less than or equal to said liquid's refractive index. It is well known to form the pipe from a material having a refractive index higher than air's refractive index and less than or equal to said liquid's refractive index. It would have been obvious to a person of ordinary skill in the art at the time of the invention to form the pipe from a material having a refractive index higher than air's refractive index and less than or equal to said liquid's refractive index to prevent the lost of data during the transmission.

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4. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maida, JR. in view of Bryant (U.S. Patent 5,578,995)

5. Regarding claims 2 and 8, Maida, JR discloses the invention set forth above.

Maida, JR. does not disclose the pipe is formed with plastic tube. Bryant discloses (fig.

6) the use of a plastic tube (17). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use plastic tube to form the pipe to reduce cost.

6. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maida, JR in view of Cohn (U.S. Patent 5,422,495).

7. Regarding claims 4 and 9, Maida, JR discloses the invention set forth above.

Maida JR. does not disclose to form the pipe with a glass rod. Cohn discloses the use

of glass rod to form a pipe (Claim 29). It would have been obvious to a person of

ordinary skill in the art at the time of the invention to use form the pipe with glass rod to establish desired index of refraction.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Ko whose telephone number is 571-272-1926.

The examiner can normally be reached on Monday-Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TKO



DAVID PORTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800